

REMARKS

Claims 1, 3, 7, 9, 11 and 14-17 were pending in the application. Claims 1, 3, 7, 9, 11, 15, 16 and 17 have been currently amended. Claims 2, 4, 5, 6, 8, 10, 12, and 13 have been cancelled herein. The pending claims as set forth herein are in accord with 37 CFR §1.121, as revised.

No new matter has been introduced by virtue of the amendment set forth herein. Applicants respectfully submit that the amended claims place the application in condition for allowance and request their entry. Moreover, applicants respectfully request reconsideration and withdrawal of the rejections set forth in the July 2, 2007 Office Action in view of the amendments made herein and the remarks set forth below.

Rejection under 35 USC §103

The Examiner has rejected claims 1, 3, 7, 9, 11 and 14-17 under 35 USC §103(a) as being allegedly obvious over Singer for the reasons of record.

In response, in order to expedite prosecution, applicants have amended claim 1 to incorporate specific elements directed to the purity and the yield of the desired compounds of formula I as a result of the improved process of producing 1,3-substituted indenenes. Applicants respectfully submit that the claims as currently amended recite limitations which are not disclosed or suggested by Singer, and in the absence of a specific teaching or motivation in the art, are unobvious. Accordingly, applicants respectfully submit that the presently claimed process, incorporating the specific use of ammonium hydroxide and the distillation step, both of which together contribute surprisingly and unexpectedly to the observed significant improvements with respect to purity and yield, is nonobvious and patentable under 35 USC §103(a). Applicants respectfully request withdrawal of the rejection, and solicit the issuance of a notice of allowance.

If a telephone interview is deemed to be helpful to expedite the prosecution of the subject application, the Examiner is invited to contract applicants' undersigned attorney at the telephone number provided.

Respectfully submitted,

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